Office of the
Conflict of Interest and
Ethics Commissioner

Commissariat aux
conflits d'intérêts et
à l'éthique

Chapman Report

Referral from the
Public Sector Integrity
Commissioner

2018

June 2018

Mario Dion

Conflict of Interest and
Ethics Commissioner

Chapman Report
made under the *CONFLICT OF INTEREST ACT*

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PREFACE

The *Conflict of Interest Act*, S.C. 2006, c. 9, s. 2 (Act) came into force on July 9, 2007.

An examination under the Act may be initiated by the Conflict of Interest and Ethics Commissioner at the request of a member of the Senate or House of Commons or on the initiative of the Commissioner.

On receipt of a referral from the Public Sector Integrity Commissioner pursuant to subsection 24(2.1) of the *Public Servants Disclosure Protection Act*, the Commissioner may, if he has reason to believe that a public office holder or former public office holder has contravened the Act, decide to examine the matter on his own initiative pursuant to section 45 of the Act.

Whether or not the Commissioner initiates an examination under section 45 of the Act, where there has been a referral from the Public Sector Integrity Commissioner, the Conflict of Interest and Ethics Commissioner must, pursuant to section 68 of the Act, provide a report to the Prime Minister setting out the facts in question as well as his analysis and conclusions. A copy of the report must also be provided to the public office holder or former public office holder who is the subject of the report and to the Public Sector Integrity Commissioner. The report is also made public pursuant to section 68.

01 Executive Summary

02 Concerns

03 Process

04 Findings of Facts

10 Ms. Chapman's Position

11 Analysis and Conclusion

15 Schedule: List of Witnesses

EXECUTIVE SUMMARY

This report presents the findings of my examination under the *Conflict of Interest Act* of the conduct of Ms. Marie Chapman, Chief Executive Officer of the Canadian Museum of Immigration at Pier 21, a federal Crown corporation.

As a result of a disclosure referred to my Office in October 2017 by the Office of the Public Sector Integrity Commissioner, my predecessor launched an examination on her own initiative in order to determine whether Ms. Chapman contravened subsection 6(1) and section 21 of the Act when she offered Ms. Jennifer Sutherland, an alleged friend, a contract for a term position in 2014, and appointed her to a permanent position in 2015.

I decided to continue the examination when I assumed the position of Conflict of Interest and Ethics Commissioner in January 2018.

Subsection 6(1) of the Act prohibits public office holders from making or participating in making a decision related to the exercise of an official power, duty or function if they know or reasonably should know that, in the making of the decision, they would be in a conflict of interest.

Section 21 requires public office holders to recuse themselves from any discussion, decision, debate or vote on any matter in respect of which they would be in a conflict of interest.

Section 4 establishes that a public office holder is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of relatives or friends, or to improperly further another person's private interests.

Ms. Chapman, as Chief Executive Officer of the Museum, was exercising an official power, duty and function when she made the decisions to offer term and permanent positions to Ms. Sutherland. It is also clear that these decisions furthered Ms. Sutherland's private interests.

I determined that while Ms. Chapman and Ms. Sutherland have a friendly working relationship, they are not "friends' for the purposes of section 4 of the Act. As a result, Ms. Chapman did not place herself in a conflict of interest by furthering the private interests of a friend. Neither did she place herself in a conflict of interest by otherwise improperly furthering Ms. Sutherland's private interests, as there was nothing irregular or unusual about the manner in which the term and permanent positions were created, advertised and staffed.

As Ms. Chapman was not in a conflict of interest, I determined that she did not have a duty to recuse herself from any decisions related to Ms. Sutherland's employment with the Museum.

Consequently, I found that Ms. Chapman did not contravene subsection 6(1) or section 21 of the Act.

CONCERNS

On October 19, 2017, the Office of the Public Sector Integrity Commissioner of Canada referred to this Office, under subsection 24(2.1) of the *Public Servants Disclosure Protection Act*, a disclosure that it had received. The disclosure raised a conflict of interest concern regarding Ms. Marie Chapman, Chief Executive Officer of the Canadian Museum of Immigration at Pier 21. It was alleged that, in 2015, she had improperly handled a staffing process resulting in the appointment of a friend, Ms. Jennifer Sutherland, to the position of Chief, Communications and Partnerships.

PROCESS

On November 7, 2017, my predecessor, Ms. Mary Dawson, wrote to Ms. Chapman regarding the referral from the Office of the Public Sector Integrity Commissioner of Canada and requested additional information. In a letter dated December 14, 2017, Ms. Chapman submitted the requested additional information and supporting documentation. and stated that in 2014, she had also offered a contract for a term position to Ms. Sutherland, the alleged friend.

On January 5, 2018, Ms. Dawson wrote to Ms. Chapman and informed her that she was initiating an examination in accordance with subsection 45(1) of the *Conflict of Interest Act*. The purpose of the examination was to determine whether Ms. Chapman had contravened subsection 6(1) and section 21 of the Act when she offered Ms. Sutherland a contract for a term position in 2014 and when she appointed Ms. Sutherland to the permanent position of Chief, Communications and Partnerships in 2015.

Subsection 6(1) of the Act prohibits public office holders from making or participating in making a decision related to the exercise of an official power, duty or function if they know or reasonably should know that, in the making of the decision, they would be in a conflict of interest.

Section 21 of the Act requires public office holders to recuse themselves from any discussion, decision, debate or vote on any matter in respect of which they would be in a conflict of interest.

Section 4 of the Act defines the circumstances in which a public office holder can be understood to be in a conflict of interest, that is when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of relatives or friends, or to improperly further another person's private interests.

On January 9, 2018, I began my mandate as Conflict of Interest and Ethics Commissioner. After reviewing the information relating to this matter, I determined that the examination should proceed. My Office informed Ms. Chapman of my decision on January 16, 2018.

An interview was conducted with Ms. Chapman on February 16, 2018. My Office interviewed two additional witnesses after having received documentation from them. Ms. Chapman was given an opportunity to review the transcript from her interview, excerpts of transcripts from the two witness interviews and other relevant documents.

Ms. Chapman was also given an opportunity to comment on a draft of the factual portions of this report (Concerns, Process, Findings of Fact and Ms. Chapman's Position) before it was finalized.

FINDINGS OF FACTS

The Canadian Museum of Immigration at Pier 21

As stated in the Canadian Museum of Immigration at Pier 21's annual and corporate reports, Pier 21 in Halifax was an entry point for almost one million immigrants coming to Canada between 1928 and 1971. In 1988, the Pier 21 Society was formed as a non-profit, charitable organization supported by an endowment fund. The Pier 21 Society's goal was to turn the immigration shed into a museum. In 1999, the Pier 21 Society's Museum opened.

On June 7, 2010, the Government of Canada tabled Bill C-34, *Creating Canada's New National Museum of Immigration at Pier 21 Act*, which made amendments to the *Museums Act*. As a result, the Pier 21 Society's Museum would become the Canadian Museum of Immigration at Pier 21, the first national museum in Atlantic Canada. The amendments to the *Museums Act* came into force on November 25, 2010, and set out the powers that the Canadian Museum of Immigration at Pier 21 (Museum) may exercise in carrying out its purpose.

Pursuant to the *Museums Act*, the Museum is a federal Crown corporation. The Museum operates at arm's length from the Government with respect to its day-to-day operations and activities. A Board of Trustees, appointed by the Governor in Council on the recommendation of the Minister of Canadian Heritage, serves as the governing body of the Museum and is accountable to Parliament through the Minister of Canadian Heritage. The *Museums Act* also provides for the appointment of a Director who, as Chief Executive Officer, has day-to-day control and supervision of the Museum's work and staff.

The Museum is also governed by Part X of the *Financial Administration Act*, which establishes the control and accountability regime specific to Crown corporations. While the Museum must comply with other federal statutes, its employees and staffing actions are not governed by the *Public Service Employment Act*. Nor is the Museum subject to any Treasury Board policies in respect of its employees and staffing practices.

On February 4, 2011, the Museum officially opened. On October 20, 2011, Ms. Chapman, who had been acting Chief Executive Officer was, on the recommendation of the Minister of Canadian Heritage, pursuant to the *Museums Act*, appointed by the Governor in Council as the first Director of the Canadian Museum of Immigration at Pier 21, with the title of Chief Executive Officer. Upon her appointment, Ms. Chapman became a reporting public office holder subject to the *Conflict of Interest Act*.

The interactions between Marie Chapman and Jennifer Sutherland

Ms. Chapman and Ms. Sutherland testified that they knew of each other in the 1990s, having attended the same university and having both worked in the field of fundraising in Halifax, however they did not really know each other, nor did they socialize together.

Both testified that they became acquainted with each other in 2003, when both worked at what was then the Pier 21 Society's Museum. At that time, Ms. Chapman and Ms. Sutherland worked closely together since fundraising was a key component of their respective responsibilities.

Ms. Chapman and Ms. Sutherland stated that during this time, members of the Pier 21 Society's Museum's staff were often required to work long hours. Ms. Chapman said that she and Ms. Sutherland, as part of a larger group of staff members, would often socialize after they had finished working for the evening. Ms. Sutherland stated that staff members would also occasionally organize potluck meals at each other's homes.

Ms. Sutherland left the Pier 21 Society's Museum in 2006. Ms. Chapman and Ms. Sutherland testified that their social interactions following Ms. Sutherland's departure were very limited. They could only recall three instances between 2006 and 2008. Ms. Sutherland was one of 80 people, mostly work colleagues, who attended Ms. Chapman's house-warming party. Ms. Chapman also briefly visited Ms. Sutherland's new home, which was being renovated. In a third instance, Ms. Sutherland saw Ms. Chapman and her other former colleagues when she was invited to a summer staff party organized by the Chief Executive Officer of the Pier 21 Society's Museum at that time.

In 2009, Ms. Sutherland returned to the Pier 21 Society's Museum after accepting a contract for a term position of approximately six months. Ms. Chapman and Ms. Sutherland both testified that their social interactions during work hours were minimal during this time as they worked in different parts of the building. Ms. Chapman and Ms. Sutherland stated that if they did socialize, it was during lunch hour, usually as part of a larger group of employees who regularly ate lunch together, with topics of discussions relating to vacation plans, books and movie recommendations.

Ms. Sutherland left the Pier 21 Society's Museum in 2009 after her term ended. She and Ms. Chapman both testified that they did not see much of each other following Ms. Sutherland's departure as they lived in different parts of the city and were both busy with their respective careers and private lives.

Ms. Chapman and Ms. Sutherland recalled having socialized three or four times between 2010 and 2013. They recalled that in 2011, they attended the same fundraising event organized by a mutual acquaintance. Both stated that they had not shared with each other their intent to attend the event. However, they took the occasion to catch up on each other's lives. In 2013, they met for dinner at a restaurant and attended a lecture along with a mutual friend.

Ms. Sutherland also recalled a third occasion in which she and Ms. Chapman were among several individuals invited to a mutual friend's birthday celebration, but could not recall the year.

Ms. Sutherland stated that she made a point of keeping in touch with several of her former colleagues and not just Ms. Chapman.

Ms. Sutherland's contract for a term position: April 2014

When the Canadian Museum of Immigration at Pier 21 (Museum) was created, it received approval from the Government of Canada to appropriate up to $24.9 million for capital to consolidate and expand the Museum. As a result, plans were made for the Museum to be closed temporarily from October 2014 to May 2015 while it underwent a capital and thematic expansion. The reopening was scheduled for May 2015.

Ms. Chapman testified that in March 2014, she and the Director of Marketing, Communications and Development shared the concern that the work of planning the official reopening was not receiving adequate attention. Ms. Chapman testified that the publicly-known criticisms relating to the preparations of the official opening of the Canadian Human Rights Museum in Winnipeg weighed heavily on her mind.

As a result, Ms. Chapman and the Director of Marketing, Communications and Development agreed that there was a need to create a term position to take on the work of planning the Museum's reopening. Ms. Chapman decided that the position would also take on the responsibility of maintaining partnerships and stakeholder relationships, which according to Ms. Chapman's testimony, had been deemed a priority by the Museum's Board of Trustees.

Ms. Chapman stated that most contracts offered in the years after the Museum became a Crown corporation were for term positions as the Museum had yet to determine which of its divisions would require staff on a permanent long-term basis.

Ms. Chapman said that she and the Director of Marketing, Communications and Development both identified Ms. Sutherland as a possible candidate given her previous experience with the Pier 21 Society's Museum and in organizing events. In 1999, Ms. Sutherland had planned the Pier 21 Society's Museum's official opening as well as a large event for the Pier 21 Foundation in 2009.

Ms. Sutherland said that in March 2014, the Director of Marketing, Communications and Development telephoned her and informed her of the intent to create a term position to oversee the Museum's reopening, and was asked whether she would be available and interested in the work. Ms. Sutherland told the Director of Marketing, Communications and Development that she was potentially interested and would wait to see the job posting. Ms. Chapman testified that she did not have any discussions with Ms. Sutherland regarding the intent to create the position to oversee the Museum's reopening. This was confirmed by Ms. Sutherland.

In early April 2014, Ms. Chapman emailed Ms. Ramya Rangalle, the Museum's Human Resource Manager, and requested a copy of the Director of Marketing, Communications and Development's job description. Ms. Chapman wrote that she would use the wording contained in the Director of Marketing, Communications and Development's job description to develop the job description for the position that would oversee the official reopening of the Museum and all of the related tasks.

Ms. Chapman testified that, as Chief Executive Officer, she is responsible for evaluating the job descriptions and determining the classification of all new positions using the *Canadian Museum of Immigration at Pier 21's Position Evaluation Guide*, usually with the assistance of Ms. Rangalle. The guide was developed in 2011 after the Museum became a Crown corporation. Both term and permanent positions are evaluated and classified using this guide. All new positions are compared to other relative positions, and the outcome of the evaluation is the assignment of classification levels based on those other relative positions.

Ms. Chapman said that due to the urgency in having someone work on the Museum's reopening, she alone conducted the exercise. The position of Senior Advisor to the Chief Executive Officer was classified at a level 8, with a salary range of $72,650 to $98,596.

The evaluation and classification was then sent to Ms. Rangalle, who stated that although she had not been involved in the classification, she did not have any concerns with the level awarded to the position as there were similarities between the new job description and the position of Director of Marketing, Communications and Development. Ms. Rangalle gave several examples of instances where Ms. Chapman had evaluated and classified positions without her assistance.

From April 3 to April 14, 2014, the position of Senior Advisor to the CEO was publicly advertised on the Museum's website.

Ms. Sutherland recalled being contacted by either Ms. Chapman or the Director of Marketing, Communications and Development and informed that the position was posted on the Museum's website. Ms. Rangalle testified that it was not uncommon for hiring managers to contact potential candidates to inform them that an employment opportunity had been posted online.

Ms. Rangalle testified that the Museum did not have any written guidelines or policies relating to staffing. She also confirmed that the Museum is not subject to the *Public Service Employment Act* or any Treasury Board guidelines in this regard.

Both Ms. Chapman and Ms. Rangalle stated that employment opportunities are only posted internally when a hiring manager feels that there is qualified staff within the Museum. When a manager feels that this is not the case, or when the Museum intends to hire on a contractual basis, the opportunity is posted internally and externally on the Museum's website, or advertised on specific job websites.

Ms. Sutherland submitted her resumé to Ms. Chapman on April 9, 2014, and was the only applicant. Ms. Rangalle stated that, given that the Museum was only offering a contract for a term position and that a specific skill set was required, she was not surprised that only one application had been received.

Shortly after, Ms. Sutherland met with Ms. Chapman to discuss the position, the tasks involved and expectations. Ms. Chapman said that as there were no other candidates, there was no need to conduct an interview with Ms. Sutherland given her previous experience with the Museum and the fact that they had worked closely together in the past.

On April 29, 2014, Ms. Sutherland received a letter of offer which included the terms and conditions of the contract. Ms. Sutherland accepted the offer and began working at the Museum shortly after.

Ms. Sutherland and Ms. Chapman testified that following Ms. Sutherland's return to the Museum in 2014, they have not socialized outside of work. Both also stated that while they have each other's home phone numbers and private email addresses, they have never contacted each other to discuss private matters. Ms. Chapman testified that in 2014, she faced a personal challenge and chose not to discuss it with any of her colleagues, including Ms. Sutherland. There is no evidence to suggest that Ms. Chapman reached out to Ms. Sutherland during this time.

The Museum's Staffing Reorganization Plan: Summer 2015

Ms. Chapman testified that by mid-2015, there was a better understanding of the staffing needs of the Museum.

According to Ms. Chapman, one of the areas which had been identified as having staffing needs was the division responsible for communications. As a federal entity, the Museum was now required to address sensitive issues relating to immigration, which called for a higher level of communications expertise than the division had at that time. Also, Ms. Chapman stated that given the importance of partnerships and stakeholder relations, the Board of Trustees had requested that a permanent senior position be created to oversee this work.

As a result, Ms. Chapman, with the assistance of the Museum's senior staff, developed a new organisational chart in the summer of 2015, which included the restructuring of several divisions, the elimination of three positions and the creation of two new positions: Chief, Communications and Partnerships, a senior position, and Marketing and Brand Coordinator, a mid-level position.

According to Ms. Chapman, shortly before the staffing restructuring plan was set to begin, then Prime Minister Stephen Harper called a federal general election to be held in October 2015. Ms. Chapman stated that in accordance with Canada's caretaker convention, the restructuring plans were put on hold during the electoral period.

The appointment of Ms. Sutherland to the position of Chief, Communications and Partnerships: November 2015

In early November, once the job description for the position of Chief, Communications and Partnerships was developed, Ms. Chapman evaluated and classified the position using the *Canadian Museum of Immigration at Pier 21's Position Evaluation Guide*. The position was classified as a level 9 position, with an annual salary range of $106,900 to $125,700.

Ms. Chapman stated that given Ms. Rangalle's heavy workload relating to the staffing restructuring process, she did not ask her to assist in the evaluation and classification of the position. Ms. Rangalle testified that she did not have any concerns with the level assigned to the position.

On November 6, 2015, the position of Chief, Communications and Partnerships was posted internally and sent electronically to all staff members in accordance with the Museum's practice. The position was posted until November 20, 2015.

Ms. Chapman testified that she considered Ms. Sutherland as a suitable candidate, but she had no knowledge of Ms. Sutherland's plans following the end of her term position, nor did she know whether Ms. Sutherland would be interested in a permanent position.

On November 17, 2015, Ms. Sutherland submitted her resumé to Ms. Chapman. Ms. Chapman testified that an interview was not necessary as Ms. Sutherland was the only applicant, and having worked with her, Ms. Chapman knew that Ms. Sutherland met all of the requirements of the position. On November 23, 2015, Ms. Sutherland received a letter of offer for the position of Chief, Communications and Partnerships, which she accepted.

Ms. Rangalle testified that as Human Resource Manager, she did not receive any complaints from staff regarding the appointment of Ms. Sutherland to the position of Chief, Communications and Partnerships.

MS. CHAPMAN'S POSITION

Ms. Chapman testified that while she enjoys working and spending time with Ms. Sutherland, she would describe their relationship as one of friendly colleagues. According to Ms. Chapman, she did not consider Ms. Sutherland a close friend as they are not involved in each other's private lives, and their interactions mostly coincide with their working together.

According to Ms. Chapman, her relationship with Ms. Sutherland is no different than the relationships she maintains with several other staff members at the Museum with whom she has established a long history of working together.

Ms. Chapman also stated that she makes a point of keeping in touch with past colleagues or individuals that she has enjoyed working with throughout the years, and who have impressed her with their dedication and contributions to their workplace. According to Ms. Chapman, Ms. Sutherland is one of those people.

ANALYSIS AND CONCLUSION

Analysis

In this examination, I must determine whether Ms. Chapman, as the Chief Executive Officer of the Canadian Museum of Immigration at Pier 21 (Museum), contravened subsection 6(1) or section 21 of the *Conflict of Interest Act* (Act) when she participated in and made the decisions to offer a term position in April 2014 and a permanent position in November 2015 to Ms. Sutherland, who it was alleged was a friend of Ms. Chapman.

Decision-making: Subsection 6(1)

Subsection 6(1) of the Act prohibits public office holders from making a decision that would place them in a conflict of interest. It reads as follows:

> *6. (1) No public office holder shall make a decision or participate in making a decision related to the exercise of an official power, duty or function if the public office holder knows or reasonably should know that, in the making of the decision, he or she would be in a conflict of interest.*

Section 4 of the Act describes the circumstances under which a public office holder would be in a conflict of interest for the purposes of subsection 6(1) of the Act. Section 4 reads as follows:

> *4. For the purposes of this Act, a public office holder is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person's private interests.*

The evidence gathered in this examination clearly shows that Ms. Chapman, as Chief Executive Officer at the Museum, was exercising an official power, duty and function when she made the decisions to offer the term position and permanent position, in 2014 and 2015 respectively, to Ms. Sutherland.

As these decisions clearly furthered Ms. Sutherland's private interests, what remains to be determined is whether Ms. Chapman was in a conflict of interest within the meaning of section 4 of the Act by furthering the private interests of a friend, or, if they are not friends, by improperly furthering the private interests of another person.

In the *Watson Report,* my predecessor, Ms. Dawson, interpreted "friend" for the purposes of the Act to mean "a person with whom one has some history of mutual personal regard beyond simple association." She viewed the prohibition set out in subsection 6(1) of the Act as intending to relate to individuals who have a close bond of friendship, a feeling of affection or a special kinship with the public office holder concerned. It did not, in her view, include members of a broad social circle or business associates.

I found both Ms. Chapman and Ms. Sutherland to be credible and consistent when they each described their interactions with one another. Their testimony in relation to the staffing processes was also consistent with the documentary evidence I gathered and with the testimony of Ms. Rangalle.

The evidence showed that as work colleagues, Ms. Chapman and Ms. Sutherland would socialize mainly during lunchtime at the Museum along with other colleagues. While they had some interests in common, namely literature and the arts, the evidence showed that they very infrequently saw each other outside of work. On the few occasions when they did, it was mainly in larger group settings and at events organized by other people they both knew. Notwithstanding the many years they had known each other, Ms. Sutherland had only been to Ms. Chapman's home once, again in the context of a larger social gathering involving other colleagues from the Pier 21 Society's Museum, as it was known at the time.

The evidence also showed that neither Ms. Chapman nor Ms. Sutherland made personal phone calls to each other nor did they have any communication over social media. Both testified that they neither discussed personal matters with each other nor did they reach out to or lean on each other for support when dealing with difficult personal situations. Any personal relationship between Ms. Chapman and Ms. Sutherland existed because of their professional interactions and extended little beyond the professional context.

For these reasons, I am of the view that while Ms. Chapman and Ms. Sutherland enjoy a friendly working relationship, they are not "friends". Continuing my analysis of section 4 of the Act, I must now determine whether Ms. Chapman "improperly" furthered the private interests of another person, namely Ms. Sutherland.

Ms. Rangalle testified that, at the time the positions were offered to Ms. Sutherland, there were no written guidelines or policies governing the staffing practices at the Museum. Ms. Rangalle also confirmed that the Museum is neither governed by the *Public Service Employment Act,* nor is it subject to any Treasury Board policies in respect of its staffing actions and practices.

The evidence showed that various internal and external pressures, including from the Board of Trustees, clearly supported the creation of the two positions under examination.

While the Museum did not have written guidelines or policies relating to staffing, Ms. Chapman and Ms. Rangalle described in their testimony the process followed by the Museum when creating and staffing a position.

Ms. Chapman, as Chief Executive Officer, was responsible for evaluating the job descriptions and determining the classification of all positions using the *Canadian Museum of Immigration at Pier 21's Position Evaluation Guide*, including the 2014 and 2015 positions awarded to Ms. Sutherland.

While Ms. Chapman alone conducted this exercise in relation to the 2014 and 2015 positions in question, Ms. Rangalle testified that this was not unusual. Ms. Rangalle provided my Office with other examples where Ms. Chapman alone evaluated and classified new positions within the Museum without her assistance. Ms. Rangalle further testified that when she received the evaluations and classifications from Ms. Chapman, she did not have any concerns.

The 2014 term position was advertised externally for approximately ten days. While Ms. Sutherland recalled being contacted by the Director of Marketing, Communications and Development about the external posting, Ms. Rangalle testified that it was not uncommon for hiring managers to contact potential candidates about employment opportunities at the Museum.

The 2015 permanent position was advertised internally to all Museum staff for approximately 15 days. Both Ms. Chapman and Ms. Rangalle testified that opportunities are posted internally when a hiring manager feels there is qualified staff within the Museum.

In my view there was nothing irregular nor unusual about the manner in which these positions were created, advertised and staffed.

Therefore, Ms. Chapman did not improperly further Ms. Sutherland's private interests when she decided to offer her the 2014 term position and 2015 permanent position.

I find, for the reasons stated above, that since Ms. Chapman did not further the private interests of a friend nor did she improperly further the private interests of another person, she was not in a conflict of interest in relation to the decisions to offer the positions to Ms. Sutherland.

Duty to Recuse: Section 21

Section 21 of the Act requires public office holders to recuse themselves from certain situations. It reads as follows:

> ***21.*** *A public office holder shall recuse himself or herself from any discussion, decision, debate or vote on any matter in respect of which he or she would be in a conflict of interest.*

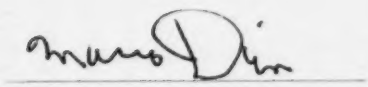
The evidence gathered in this examination clearly demonstrates that Ms. Chapman, as Chief Executive Officer at the Museum, was exercising an official power, duty and function when she participated in discussions and made the decisions to hire Ms. Sutherland in 2014 and 2015.

I have already concluded, in relation to my analysis under subsection 6(1) of the Act, that Ms. Chapman was not in a conflict of interest in respect of her decisions to offer these positions to Ms. Sutherland.

For the same reasons as set out under my analysis of subsection 6(1) above, namely the absence of a conflict of interest, I find that Ms. Chapman was not required to recuse herself pursuant to section 21 from any discussion or decision related to Ms. Sutherland's employment with the Museum.

Conclusion

In light of the above, I find that Ms. Chapman did not contravene subsection 6(1) or section 21 of the Act.



Mario Dion
Conflict of Interest and Ethics Commissioner
June 22, 2018

SCHEDULE: LIST OF WITNESSES

The names of all witnesses are listed below according to the organizations to which they belonged at the time of the events that are the subject of this examination.

Interviews / Information and Documents Requested

Canadian Museum of Immigration at Pier 21

- Ms. Ramya Rangalle, Human Resource Manager
- Ms. Jennifer Sutherland, Chief, Communications and Partnerships